

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DELBERT L. HEYTHALER,

Plaintiff,

Case No. 09-cv-11502

Paul D. Borman
United States District Judge

v.

Michael Hluchaniuk
United States Magistrate Judge

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

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OPINION AND ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND REMANDING THE CASE TO THE COMMISSIONER OF
SOCIAL SECURITY FOR FURTHER PROCEEDINGS

Before the Court is Magistrate Judge Michael Hluchaniuk's Report and Recommendation Granting Plaintiff's Motion for Summary Judgment, Denying Defendant's Motion for Summary Judgment, Reversing the findings of the Commissioner and Remanding the matter for further proceedings. (Dkt. No. 14.)

Having reviewed that Report and Recommendation, and there being no timely objections from either party under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(d), the Court **ADOPTS** the Magistrate Judge's Report and Recommendation, **GRANTS** Plaintiff's Motion for Summary Judgment, **DENIES** Defendant's Motion for Summary Judgment, **REVERSES** the findings of the Commissioner and **REMANDS** the matter for further proceedings.

The matter is hereby remanded to the Commissioner for further proceedings consistent with the Magistrate Judge's Report and Recommendation.

IT IS SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: September 3, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on September 3, 2010.

s/Denise Goodine
Case Manager